

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

QUOC XUONG LUU,

Petitioner,

vs.

IMMIGRATION AND
NATURALIZATION SERVICES, et al,

Respondents

No. C 08-3350 JSW (PR)

ORDER OF TRANSFER

Petitioner, detained at California State Prison-Solano in Solano, California, has filed a petition for a writ of habeas corpus challenging his detention at that prison under 28 U.S.C. § 2241. Petitioner is being detained on behalf of the Immigration and Naturalization Service. Vacaville is in Solano County, which is in the Eastern District of California. *See* 28 U.S.C. § 84(b).


Federal courts generally take the position that for petitions brought under § 2241, the district of confinement "is normally the forum most convenient to the parties," *McCoy v. United States Bd. of Parole*, 537 F.2d 962, 966 (8th Cir. 1976), and therefore exercise discretion in transferring petitions to the district of confinement "in the interests of justice" pursuant 28 U.S.C. § 1404(a). *See id.*; *see also Braden v. 30th Judicial Circuit Court*, 410 U.S. 484, 494-95, 499 n.15 (1973) ("venue considerations may, and frequently will, argue in favor of adjudication of the habeas claim in the jurisdiction where the habeas petitioner is confined."); *Dunne v. Henman*, 875 F.2d 244, 249-50 (9th Cir. 1989) (suggesting that preferred forum is district where petitioner is confined). This practice is supported by the fact that a prisoner's records follow him to the place of

1 incarceration and that it promotes uniformity in the filing of § 2241 petitions. A transfer
2 to the district of confinement, in this case the Eastern District of California, on
3 convenient forum grounds is therefore preferable as long as no undue delay is created.
4 *See Chatman-Bey v. v. Thornburgh*, 864 F.2d 804, 814 (D.C. Cir. 1988).

5 Accordingly, IT IS ORDERED in the interest of justice, and pursuant to 28
6 U.S.C. § 1404(a), that this action be TRANSFERRED to the United States District Court
7 for the Eastern District of California. The Clerk of the Court shall transfer this matter
8 forthwith.

9 IT IS SO ORDERED.

10 DATED: July 24, 2008

11 
12 _____
13 JEFFREY S. WHITE
14 United States District Judge
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

QUOC X LUU,

Plaintiff,

v.

IMMIGRATION AND NATURALIZATION
et al,

Defendant.

Case Number: CV08-03350 JSW


CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on July 24, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Quoc Xuong Luu
Prisoner Id P-22522
Bldg # 025-125U
California State Prison-Solano
PO Box 4000
Vacaville, CA 95696-4000

Dated: July 24, 2008


Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk